

# Exhibit 12

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OCT 11 2016

PETERSON RUSSELL KELLY PLLC

IN THE KING COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

Karen D. Smith,

Plaintiff,

v.

MTC Financial, Inc. dba Trustee Corps, a  
Washington Corporation; Shellpoint Mortgage  
Srvicing; Bank of New York Mellon f/k/a Bank  
of New York as Trustee for the Benefit of the  
Certificateholders of the CWABS, Inc. Asset-  
Backed Certificates, Series 2007-SDI,

Defendant(s).

Case No. 15-2-17623-4

PLAINTIFF'S MOTION TO  
DISMISS WITHOUT PREJUDICE

The Plaintiff, Karen D. Smith, pro se, respectfully moves the court for an order dismissing  
this action without prejudice pursuant to CR 41(a)(1)(B).

I. ARGUMENT

CR 41(a)(1) (B), states, "Any action shall be dismissed by the court: By Plaintiff before  
resting. Upon motion of the Plaintiff at any time before Plaintiff rests at the conclusion of  
Plaintiff's opening case." When a motion for voluntary nonsuit is filed and called to the attention  
of the trial court, the motion must be granted as a matter of right. *Greenlaw v. Renn*, 64 Wn.App.  
499, 503, 824 P.2d 1263 (1992).

1 Therefore this court should grant the Plaintiff's Motion to Dismiss Without Prejudice  
2 pursuant to CR 41(a)(1)(B), and without an award of attorney's fees or costs to either party.  
3 For these reasons, the Plaintiff respectfully requests that this matter be dismissed without  
4 prejudice and without an award of attorney's fees and costs.

5 DATED this October 8, 2016.

6  
7   
8 Karen D. Smith

9 PROOF OF SERVICE

10 I, Karen D. Smith, declare under penalty of perjury as follows:

11 I am over the age of eighteen years, a citizen of United States, not a party herein, and am  
12 competent to testify to the facts set forth in this Motion to Dismiss, Note for Hearing and  
13 Proposed Order

14 That on October 8, 2016, I caused a copy of the foregoing document to be served via  
15 facsimile and United States First Class Mail postage paid to:

16  
17 Donald G. Grant  
18 Washougal Town Square Ste 245  
19 1700 Main Street  
20 Washougal, WA 98671

21 Michael S. DeLeo  
22 Peterson Russell Kally, PLLC  
23 1850 Skyline Tower  
24 10900 NE Fourth Street  
25 Bellevue, WA 98004-8341

26 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE  
27 OF WASHINGTON THAT THE FOREGOING STATEMENT IS BOTH TRUE AND  
CORRECT.

Executed this October 8, 2016 at Seattle, Washington.

28   
29 Karen D. Smith